

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SELENA GREISER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TODD E. GARDNER,

Respondent-Appellant.

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UNPUBLISHED  
February 17, 2004

No. 249014  
Washtenaw Circuit Court  
Family Division  
LC No. 00-024932-NA

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review for clear error a trial court's decision to terminate parental rights. MCR 3.977(J), formerly MCR 5.974(I). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it also finds clear evidence that termination would not be in the child's best interests. *In re Trejo*, 462 Mich 341, 352-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Respondent's child and her siblings were removed from respondent's and Greiser's custody after the couple engaged in domestic violence and failed to

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<sup>1</sup> The trial court also terminated the parental rights of non-participating respondent Tamber Greiser to Selena Greiser and two other children. Respondent had no parental rights to the other children. Tamber Greiser claimed an appeal from the order (Docket No. 248862). In an order entered on December 12, 2003 this Court granted counsel's motion to withdraw pursuant to MCR 7.211(C)(5) and affirmed the termination of Tamber Greiser's parental rights.

provide a suitable home. Petitioner offered respondent and Greiser extensive services, and the trial court returned the children to their custody at one point; however, the children were removed from the home a second time after the couple again engaged in domestic violence and allowed the condition of their home to deteriorate to an unsuitable state. Respondent failed to substantially comply with the terms of his parent-agency agreement, and his circumstances at the time of the permanent custody hearing were essentially unchanged from the time the children were removed from the home. Respondent's assertion that petitioner should have afforded him an opportunity to demonstrate that he could parent his child apart from Greiser are without merit in light of the fact that he continued to reside with Greiser at the time of the permanent custody hearing. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for his child and could not reasonably be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence failed to show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*, at 354.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood